



DEPT REF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT ACCOUNTANCE
DIVISION

Applicants: Peter James BURN et al.
Serial No.: 10/552,017
Filed: 3 October 2005
For: LOAD BEARING INTERVERTEBRAL DISK

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US PATENT & TRADEMARK
OFFICE

TRANSMITTAL OF SMALL ENTITY
DECLARATION AND REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: REFUND SECTION, ACCOUNTING
DIVISION, OFFICE OF FINANCE

Sir:

Submitted herewith is a Small Entity Declaration, establishing small entity status for the captioned application. In view of Manual of Patent Examining Procedure (MPEP) 509.03, refund of the excess fee paid on \$565.00, is respectfully requested. Please credit a refund in the amount of \$565.00 to undersigned Counsel's Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

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Atty. Docket: P70883US0
Date: January 3, 2006
JCH/gc

Adjustment date: 01/25/2006 RWHITE1
10/13/2005 GFREY1 00000000 10552017
01 FC:1631 -369.00 OP
02 FC:1633 -200.00 OP
03 FC:1632 -500.00 OP
04 FC:1617 -130.00 OP

01/25/2006 RWHITE1 00000005 10552017

01 FC:2631 150.00 OP
02 FC:2633 100.00 OP
03 FC:2632 250.00 OP
04 FC:2617 35.00 OP



Law Offices of
JACOBSON HOLMAN
PROFESSIONAL LIMITED LIABILITY COMPANY
THE JENIFER BUILDING
400 SEVENTH STREET, N.W.
WASHINGTON, DC 20004

Attny's Docket No. _____

SMALL ENTITY DECLARATION
[37 CFR 1.27(a)(1)-(3)]

Each undersigned declares that:

(1) ☐ the application attached hereto.

(2) ☒ U.S. Application Serial No. _____, filed 3 October 2005

(3) ☐ U.S. Patent No. _____ Issued _____

is entitled to the benefits of "small entity" status for paying reduced fees under 35 USC 41(a) and (b) to the Patent and Trademark Office by virtue of the following:

(4) ☐ Each undersigned declares that he/she qualifies as an independent inventor, or would qualify had he/she made the invention, as defined in 37 CFR 1.27(a)(1).

(5) ☐ The undersigned declares that he/she is an official empowered to act on behalf of the concern identified below; that concern qualifies as a small business concern as defined in 37 CFR 1.27(A)(2); that exclusive rights to the invention have been conveyed to and remain with the small business concern, or if the rights are not exclusive, that all other rights belong to small entities as defined in 37 CFR 1.27(a).

(6) ☐ The undersigned declares that he/she is an official empowered to act on behalf of the organization identified below; organization qualifies as a nonprofit organization as defined in

(a) ☐ 37 CFR 1.27(a)(3)(i) and (ii)(A)

(b) ☐ 37 CFR 1.27 (a)(3)(i) and (ii)(B)

(c) ☐ 37 CFR 1.27(a)(3)(i) and (ii)(C)

(d) ☐ 37 CFR 1.27(a)(3)(i) and (ii)(D); and State law of _____; that exclusive rights to the invention have been conveyed to and remain with the organization, or if the rights are not exclusive, that all other rights belong to organizations as defined in 37 CFR 1.27(a)

(7) Each person, concern or organization to which I/we have assigned, granted, conveyed or licensed, or am under an under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

(a) ☐ no such person, concern or organization

(b) ☐ persons, concerns or organization listed below

[a separate declaration is required from each named person, concern or organization having rights to this invention averring to their status as "small entities."]

Full Name ENZTEC LIMITED

Address 4/45 Sonter Road, Sockburn, Christchurch, New Zealand

☐ Individual

☒ Small Business Concern

☐ Nonprofit Organization

I/we acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement of small entity prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I/we hereby declare all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

(8)	<u>Peter James BURN</u>	Signature <u>[Signature]</u>	Date <u>27-11-2005</u>
	Typed Name of Inventor	Signature <u>[Signature]</u>	Date <u>28-11-2005</u>
	<u>Iain Alexander McMillan</u>	Signature _____	Date _____
	Typed Name of Inventor	Signature _____	Date _____
	Typed Name of Inventor	Signature _____	Date _____
	Typed Name of Inventor	Signature _____	Date _____

(9)	Name of Small Business Concern or Nonprofit Organization		
	<u>ENZTEC LIMITED</u>	By <u>[Signature]</u>	Date <u>28-11-2005</u>
	Typed Name	Signature	Date
	<u>Director</u>		
	Title of Signatory		